

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
WESTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

WILLIAM EDWARD SUN,

Defendant.

No. 12-CR-4061-DEO

**ORDER ACCEPTING REPORT
AND RECOMMENDATION
CONCERNING GUILTY PLEA**

I. INTRODUCTION AND BACKGROUND

Before the Court is Magistrate Judge Leonard T. Strand's Report and Recommendation Concerning Guilty Plea (Docket No. 68, 11/26/2012).

On June 21, 2012, a three count Indictment (Docket No. 3) was returned in the above-referenced case. On November 26, 2012, Defendant Sun entered guilty pleas to Counts 1 and 2 before United States Magistrate Judge Leonard T. Strand pursuant to a plea agreement.

Count 1 of the Indictment charges that from about 2011 and continuing through about April 2012, in the Northern District of Iowa and elsewhere, defendant William Edward Sun and a co-defendant did knowingly and unlawfully combine, conspire, confederate, and agree, with each other and others whose identities are both known and unknown to the Grand Jury,

to distribute 500 grams or more of a mixture or substance containing a detectable amount of methamphetamine, which contained at least 50 grams or more of actual (pure) methamphetamine, both Schedule II controlled substances, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A).

This was in violation of Title 21, United States Code, Section 846.

Count 2 of the Indictment charges that on or about August 26, 2011, in the Northern District of Iowa, defendant William Edward Sun and a co-defendant did knowingly and intentionally distribute and did aid and abet each other and others in the distribution of a mixture or substance containing a detectable amount of methamphetamine, a Schedule II controlled substance within 1,000 feet of the property comprising a public playground or school, that is, Dale Street Park, Sioux City, Woodbury County, Iowa.

This was in violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(C) and 860(a) and Title 18, United States Code, Section 2.

The Report and Recommendation (Docket No. 68), states that there is a plea agreement (Docket No. 76) and recommends that defendant Sun's guilty plea be accepted. Waivers of objections to Judge Strand's Report and Recommendation were filed by each party (Docket Nos. 69 and 70). The Court, therefore, undertakes the necessary review to accept defendant Sun's plea in this case.

II. ANALYSIS

A. Standard of Review

Pursuant to statute, this Court's standard of review for a magistrate judge's Report and Recommendation is as follows:

A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made. A judge of the court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate [judge].

28 U.S.C. § 636(b)(1).

Similarly, Federal Rule of Civil Procedure 72(b) provides for review of a magistrate judge's Report and Recommendation on dispositive motions and prisoner petitions, where objections are made as follows:

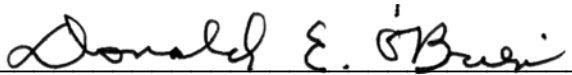
The district judge to whom the case is assigned shall make a de novo determination upon the record, or after additional evidence, of any portion of the magistrate judge's disposition to which specific written objection has been made in accordance with this rule. The district judge may accept, reject, or modify the recommendation decision, receive further evidence, or recommit the matter to the magistrate judge with instructions.

FED. R. CIV. P. 72(b).

As mentioned, waivers of objections to the Report and Recommendation have been filed, and it appears to the Court upon review of Magistrate Judge Strand's findings and conclusions that there are no grounds to reject or modify them.

IT IS THEREFORE HEREBY ORDERED that this Court accepts Magistrate Judge Strand's Report and Recommendation (Docket No. 68), and accepts defendant Sun's plea of guilty in this case to Counts 1 and 2 of the Indictment (Docket No. 3).

IT IS SO ORDERED this 3rd day of January, 2013.


Donald E. O'Brien, Senior Judge
United States District Court
Northern District of Iowa